

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 6, 2007

DIVISION TWO

B194182 Sitnyakovsky (Not for Publication)
vs
General Anesthesia Specialists Partnership Medical Group, et al.

The judgment is affirmed. Each party to bear their own costs.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

[illegible]

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (continued)

[illegible]

The judgment is modified to reflect presentence credits of 489 days. In all other respects, the judgment is affirmed. The superior court is directed to amend the abstract of judgment to reflect the modification and to send a copy of the amended abstract to the Department of Corrections and Rehabilitation.

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B199274 Los Angeles County, D.C.S. (Not for Publication)
v.
Denise H.

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

November 6, 2007 (Continued)

DIVISION FOUR

B194301 Lough (Not for Publication)
v.
Lowell Joint School District et al.

The judgment is affirmed. Respondent(s) to recover costs.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Manella, J.

DIVISION FIVE

Court convened at 9:00 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

Each of the following:

B197162 Peo v. DeMyers
B199827 DCFS v. Eleazar G. & Trenia A.
B193859 Peo v. Guzman
B194866 Peo v. Guerrero

DIVISION FIVE (continued)

Each of the following (continued):

B194595 Peo v. Donis
B196176 Kim v. SCPIE Companies
B198031 Peo v. McCoy

Argument waived, cause submitted.

B193493 DLJ Mortgage
 v.
 Home Loan Mortgage Corporation

Merits:

Argued by Richard Simpson for appellant and by Michael Robinson for respondents. Cause submitted.

B194496 Minehart Surgery Center
 v.
 Prisma Construction Company, Inc. et al.,

Merits:

Argued by Pamela Dunn for appellants and by Robert Victor and N. Munro Merrick for respondents. Cause submitted.

B196296 People
 v.
 Roger A.

Merits:

Argued by Courtney Selan for appellant and by Daniel Chang, deputy attorney general, for respondent. Cause submitted.

DIVISION FIVE (continued)

B196226 Stephan Sperling
 v.
 Wendy Courtney

Merits:

Argued by Michael Magasin for appellant. Request of Thomas Comparet to orally argue on behalf of respondent is denied from the bench. State Bar records show that Mr. Comparet is not eligible to practice law in the State of California. Cause submitted.

Court recessed at 10:20 a.m.

Court reconvened at 11:00 a.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and J. Belcher, Deputy Clerk.

B202492 The People
 v.
 Superior Court, Los Angeles County
 (Victor Maldonado, r.p.i.)

Merits:

Argued by Patrick Moran, district attorney, for petitioner and by Robert Hill, deputy public defender, for real party in interest. Cause submitted.

B195383 Hazelle Gobert
 v.
 Anatoly Pinchuk

Merits:

Argued by Edward Ovetsky for appellant. No appearance for respondent. Cause submitted.

DIVISION FIVE (continued)

B160939 Barbara Levin
 v.
 United Airlines et al

Merits:

Argued by Barbara Levin appellant in propria persona and by Rodolfo Ruiz, Mark Irvine and John Hanson for respondents. Cause submitted.

B191819 Josepha Gonzales
 v.
 Vladamir Beck et al

Merits:

Argued by Mark Aldrich for appellants and by Betty Hung for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 p.m.

Present: Turner, P.J., Mosk, J., Kriegler, J. and D. Nolan, Deputy Clerk.

Each of the following:

197656 Peo v. Bradford
198521 DCFS v. Tammy N.

Argument waived, cause submitted.

B195803 Lorrin Brown
 v.
 Frumeh Labow et al.,

Merits:

Argued by Jay Plotkin for appellant and by Gary Ruttenberg for respondents. Cause submitted

November 6, 2007 (Continued)

DIVISION FIVE (continued)

Court adjourned.

DIVISION SIX

B195129 People (Not for Publication)
v.
Martirosyan

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

B194661 People (Not for Publication)
v.
Swesey

We reverse and remand for resentencing regarding the personal firearm use enhancements to counts 3 and 4. The judgment is otherwise affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

November 6, 2007 (Continued)

DIVISION SIX (continued)

B196842 People (Certified for Publication)

V.

Kortesmaki

The judgment (order of commitment) is affirmed.

Perren,.J.

We concur: Yegan, Acting P.J.

Coffee, J.

B189141 English (Not for Publication)

V.

Kiss

We reverse that portion of the March 3, 2006 order after February 8, 2006 hearing that imposes sanctions against Elizabeth and her counsel. We otherwise affirm. Costs on appeal are awarded to Steven Kiss.

Coffee, .J.

We concur: Gilbert, P.J.

Perren, J.

DIVISION SEVEN

B196075 People (Certified for Publication)

V.

Gunter

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.

Zelon, J.

DIVISION SEVEN (continued)

B193805 People (Not for Publication)
v.
Mahan

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B193475 People (Not for Publication)
v.
Millare

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B189264 Kelly (Not for Publication)
v.
Arias et al.,

The judgment is affirmed. Each party to bear their own costs.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

November 6, 2007 (Continued)

DIVISION SEVEN (continued)

[illegible]

The judgment is reversed, and the matter remanded to allow the trial court to decide whether a retrospective competency hearing should be held to determine if Miles was competent at the time of trial in March 2006. If a retrospective competency hearing is held and Miles is found to have been competent at the time of trial, the court shall reinstate the judgment. If a retrospective competency hearing is held and Miles is found to have been incompetent at the time of trial, or if the court determines a retrospective competency hearing cannot be held, a retrial is required.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.